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U.S. Citizenship
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Services

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FILE: [REDACTED] Office: VERMONT SERVICE CENTER
[EAC 06 236 50225]

Date: **NOV 16 2007**

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Temporary Protected Status under Section 244 of the Immigration
and Nationality Act (the Act), 8 U.S.C. § 1254

ON BEHALF OF APPLICANT: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center (VSC), denied the application. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant is a citizen of El Salvador who seeks Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director denied the application because the applicant failed to establish she was eligible for late registration. The director also found that the applicant had failed to establish her qualifying continuous residence and continuous physical presence in the United States.

An appeal filed by a person or entity not entitled to file it must be rejected as improperly filed. In such a case, any filing fee which has been accepted will not be refunded. 8 C.F.R. § 103.3(a)(2)(v).

In this case, [REDACTED] signed the Form I-290B, Notice of Appeal to the Administrative Appeals Office, and filed the appeal. [REDACTED] indicates that she works for the non-profit organization, Place of Refugee, or Lugar de Refugio. However, neither [REDACTED] nor Place of Refugee (Lugar de Refugio), is entitled to file the appeal on the applicant's behalf. Therefore, the appeal must be rejected and the filing fee will not be returned.

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, the individual named, [REDACTED], is not authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

The AAO notes that, even if the applicant had properly filed this appeal, she is not statutorily eligible for TPS. She did not file her initial application until August 15, 2006 – almost four years after the closing of the initial registration period for Salvadorans – and has not submitted any documentation to establish that she qualifies for late registration under 8 C.F.R. 244.2(f). Furthermore, the applicant asserts that she entered the United States on October 1, 2002 – almost one year and eight months after the requirement for continuous residence and continuous physical presence. She is therefore not prima facie eligible for TPS pursuant to 8 C.F.R. § 244.2(b) and (c).

An alien applying for Temporary Protected Status has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant failed to meet this burden.

ORDER: The appeal is rejected.